

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13596 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

BAKSUBIBI MIYASAHEB

Versus

URBAN LAND CEILING TRIBUNAL

Appearance:

None present for Petitioners

MR MUKESH A PATEL for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 21/10/1999

ORAL JUDGEMENT

Notice was given in this case to the respondents on 3-12-1993 and interim relief in terms of para-7 (c) has also been granted. Total contribution of the respondents in this case is to remain silent and as the petition was not opposed, the matter was admitted by this court on 17th April, 1994 and interim relief granted was made absolute till the decision of the special civil application. Though more than five years and six months

were available to the respondents after admission of this petition to file reply to the same, they have not cared to file reply to the special civil application.

Taking into consideration the totality of the facts of this case, the order of this court passed on 3-12-1993, the fact that reply to the special civil application has not been filed by the respondents and even it is not the statement of the counsel for the respondents that the possession of the land in dispute has been taken by the respondents, it is to be taken that the possession of the land in dispute is with the petitioner and as a result thereof, this petition abates in view of the provisions of the Urban Land (Ceiling and Regulation) Repeal Act, 1999 and the same is dismissed. Rule discharged. Interim relief granted by this court stands vacated. No order as to costs. However, liberty is granted to the respondents for revival of this special civil application in case of difficulty.

zgs/-